

Supreme Court U.S.  
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IN THE  
SUPREME COURT OF THE UNITED STATES

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Christopher Lawrence - *Pro Se* Petitioner

V.

WESTINGHOUSE SAVANNAH RIVER  
COMPANY LLC - Respondent

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On Petition For Write of Certiorari To  
The UNITED STATES COURT OF APPEALS  
FOR THE FOURTH DISTRICT

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PETITION FOR WRIT OF CERTIORARI

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Christopher Lawrence  
*Pro Se*

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## QUESTIONS PRESENTED

*The present case encompasses both racial profiling and biasing of black litigants.* The *Pro se* in this case being African American, who's substantive rights have been abridged by summary manner to which the Magistrate, and District Judges, and Appeals Court did not treat the material of facts and evidence presented in a fair and just manner. Respectfully, questions presented to the Supreme Court are:

1. Has the Appeals Court violated laws which govern or oversee racial bias due to the *Pro se* Petitioner being an African American?
2. Does the constitution guarantee a fair trial when the issue involves a common law controversy?
3. Did the respondent's counsel Summary Motion contain blatant errors which were ignored by the presiding Judge?
4. Where is it specifically documented that the material facts from the June and July 5, 2005 pleadings presented by the Petitioner, were reviewed appropriately?
5. Did the respondent counsel unlawfully change an established court document identified as "Statement of Uncontested Facts?"
6. Did the Petitioner consistently present evidence supported by the WSRC Employees Handbook contradicting the attendance issue?
7. How did the Respondent, Magistrate, District judge, and Appeals Court classify the Petitioner's absences which were excused, granted, or approved?
8. Was the Petitioner's at will status altered in any way based on the provisions of the 5B employee handbook, or the DOE contract?

9. Was there an established unilateral contract between the employee and employer? If so, was the employee a third party beneficiary of this same contract?

10. Was the basis for the Appeals Court's unpublished opinion, determined by the Petitioner being a minority Pro se litigant?

11. On June 14, 2004, did the Magistrate contradict his own order and instructions to the Court?

12. Did the Magistrate violate the 14<sup>th</sup> Amendment of Procedural Due Process?

13. Did the Magistrate include the altered Statement of Uncontested fact in his Report and Recommendation?

14. Did the Appeals Court apply backroom jurisprudence following Chief Justice Taney's legacy in the Dred Scot case, 60 U.S. 393(1856) that "blacks have no rights which the white man is bound to respect"?

15. On June 14, 2004, did the Respondent Counsel recite to the Court any violations against the support of the 2.9 Employee handbook or DOE?

16. On June 14, 2004, did the Petitioner and Respondent Counsel under the Magistrate's order, establish material facts of the case?

17. Did the Appeals Court appropriately consider or review Ralph Thigpen's past history associated with the Petitioner's discharge and pleading referenced in the L2<sup>10</sup> notebook record?

18. Did the Magistrate inappropriately conspire with either the Defendant and/or Respondent Counsel?

19. Did the District Judge disclose untrue, unsupported statements to both the Appeals Court and Petitioner, pointing out the reason for the Petitioner's termination?

20. How can the Civil or Procedural Due Process rights of an African American Pro se litigant be protected assuring a

fair and just hearing or jury trial? 1964 Title VII Act  
U.S.C.A. §1983?

**21. Can a presiding judge act with uncensored authority, contrary to the office upheld by the law of the land, hide behind the merits of the entire judicial system? U.S.C §352 (b) (A) (ii)?**

**22. Did the Respondent violate the FMLA of 1993 by denying the petitioner the right for dependant care for son's critical health?**

All parties do not appear in the caption of the case on the cover page. There also apply questions involving the constitutionality under which 28U.S.C. §2403(a) applies. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

A.

- 1) United States District Court for the District of South Carolina Aiken Division where the magistrate's George C. Kosko presided and file a Report of Recommendation 7/19/04.
- 2) United States District Court for the District of South Carolina Aiken Division where the district judge R. Bryan Harwell granted the Respondent motion for summary 4/4/05.
- 3) United States Appeals Court for the Fourth Circuit where the Chief Judge William W. Wilkins dismissed a judicial complaint against the magistrate on 7/12/05.
- 4) United States Appeals Court for the Fourth Circuit where the Judges H. Emory Widener, Karen J. Williams, and M. Blaine Michael affirmed from an unpublished opinion per curiam on 8/23/05.
- 5) United States Appeals Court for the Fourth Circuit where the Judges H. Emory Widener, Karen J. Williams, and M. Blaine Michael denied motion of Petition for Rehearing due to grandmother's death on 9/12/05.
- 6) United States Solicitor General for the Department of Justice where the issues involve the constitutionality of discrimination, bias, racial profiling, and the 1964 Title VII Act.

- 7) United States Attorney General pursuant to issues involving the constitutionality as defined by 28 U.S.C. §451
- 8) United States Attorney General pursuant to issues violating FMLA of 1993, 29 CFR, §825.114 and §825.116 for serious health condition.
- 9) United States Attorney General pursuant to issues of violations to DOE and Westinghouse contract # DE-AC09-96SR18500, Sections C, H, I, J-App. A1, and J-App. F-1.

B.

Concerning the relevance of parent or public held company owning 10% or more of the corporation's stock is unknown and is not applicable.

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2) <u>Miller v. Schmid Laboratories, 414 S.E. 2d 126, 127 (S.C. 1992).</u>	18, 23, 25, 27
3) <u>Kumpf v United Telephone, 429 S.E. 2d 869 (S.C. App. 1993).</u>	23, 25
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5) <u>Baril v. Aiken Regional Medical Center, 352 S.C. 271, 573 S.E. 2 d 830 (2002).</u>	9,11,12,16, 24, 25, 26, 27
6) <u>Small v. Springs Industries, 292 S.C. 481, 357 S.E.2d 452(1987) (Small I).</u>	16, 25
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8) <u>Jones v.General Electric Company, 503 S.E. 2d 173 (S.C. App.1998)</u>	25
9) <u>Prescott v. Farmers Telephone Cooperative, Inc., 516 S.E. 2d 923 (S.C. 1999)</u>	25
10) <u>Conner v. City of Forest Acres, 560 S.E 2d 606 (S.C. 2002)</u>	23
11) <u>Second Circuit Judge Jerome Frank, Courts on Trial; Myth and Realty In American Justice 414 (194 )—</u>	15
12) <u>Dred Scott case, 60 U.S. 393 (1856)</u>	4, 9
13) <u>1964 Title V11 Act U.S.C.A.§1983</u>	3,5,8,12-16,22
14) DOE Contract agreement with subordinates per Personnel Order 350.1.	3, 4, 12, 13, 16, 21, 24, 28



## **STATUTES AND RULES:**

Supreme Court of South Carolina modified the at will status of the state reasoning and recognizing a unilateral contract and writing of an employment handbook, policy, or certain manuals can alter the at will status of the state. In cases involving the above, South Carolina Supreme and Appeals Courts, have held the existence, interpretation and application of writings to the employment relationship are questions for a jury unless the evidence is clear and undisputed.

Decisions associated with the merits of a judicial proceeding under **28 U.S.C. §352(A) (ii)** mocks the American justice system.

**1964 Title VII Act U.S.C.A. §1983** guarantees minorities have equal substitutive rights.

**VII Amendment to Constitution of the United States** guarantees a trial when a controversial issue involves common law suit such as the at-will status of S.C. The following are in **Violation of the Fourteenth Amendment U.S.C.A. § 106.0429** regarding procedural due process considering minority material facts in the case; 1) The Magistrate, Trial and Appeals Courts, abridged the minority Petitioner's procedural rights, with biasing, allowing inappropriate conduct from the respondent counsel. 2) The Magistrate not appropriately following his own order or instructions. 3) The Trial Court improperly applying law of State in cases, which involve contract/employment issues.

The Supreme Court of South Carolina affirmed in Conner, **supra at 610**, that the province of a jury is to determine the existence and interpretation of a written agreement (handbook) in light of the facts of a particular. Preservation of a state common law status between a contract and obligation is governed by the state. Therefore, South Carolina's Appeals Court previous position affirms the right of a jury trial. Currently, the Appeals Court's stance is in default of its previous position regarding the at will status. **Constitution**

**Law §712. Normally preservation of this position would not be disturbed unless there is an abandonment of the holdings by the Courts of that state.**

**IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to Review judgment below.

**OPINIONS BELOW**

[X] For cases from federal courts:

The opinion of the United States Court of Appeals appears at **Appendix A** to the Petition and is

[X] unpublished

The opinion of the United States Court of Appeals appears at **Appendix E** to the petition and

[X] has been designated for publication but is not yet reported.

The opinion of the United States Court of Appeals appears at **Appendix B** to the petition and is [X] has been designated for publication but is not yet reported

## **JURISDICTION**

**[X]** For cases from **federal courts**:

The date on which the United State Court of Appeals decide my case was **August 23, 2005 Appendix A.**

**[X]** A petition for rehearing was filed on **September 9, 2005** in accordance to filing time exception (2). The delay was a result of grandmother's **death on September 2, 2005.** **This information with the attached copy of the obituary was filed to show cause. The Court of Appeals denied the petition as being untimely when in fact the Notice filing time under EN BANC (2) rule allows an extension of time or leave when a litigant is pro se and death has occurred in the family to prevent a timely filing.**

**[X]** A petition for rehearing was denied by the United States Court of Appeals on the following date **September 12, 2005,** a copy of the order denying rehearing appears at **Appendix E**

**[X]** The date on which the United States District Court decided my case was **April 4, 2005,** a copy of the order granting the summary motion appears at **Appendix C**

**[X]** The date on which the United States District Court Magistrate decided my case was **July 19, 2004,** a copy of the Report and Recommendation appears at **Appendix D**